

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: TITTLE RESERVOIR ADDITION

Case Number: PSR2009-00017

Location: 2700 block of NE 159th Street

Request: In response to concerns voiced by neighbors regarding height of the 0.9 million-gallon water tank originally proposed (40 feet in diameter by 95 feet high), the applicant has revised the request and is now proposing to construct a new 0.5 million-gallon public water supply reservoir that is 50 feet in diameter and 38 feet high on a .91 acre existing reservoir site located in a Park-Wildlife zoning district. Due to the lower profile tank, the proposal also includes a 200 square foot addition onto the existing booster station.

Applicant: Clark Public Utilities District (CPU)
Barry Lovingood, P.E.
P.O. Box 8900
Vancouver, WA 98668
(360) 992-8020; (360) 992-8027 [fax]
blovingood@clarkpud.com

Contact Person: Harper Houf Peterson Righellis Inc.
Robert VanderZanden, P.E.
1104 Main Street, Suite 100
Vancouver, WA 98660
(360) 750-1131; (360) 750-1141 [fax]
robv@hhpr.com

Property Owner: Same as applicant

DECISION

Approve Subject to Conditions

Team Leader's Initials:

ATG

Date Issued: September 28, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	Doug Boheman	4219	doug.boheman@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
Team Leader:	Travis Goddard	4180	travis.goddard@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: Parks/Open Space

Parcel Number: Lot 2/39 (117890-087) located in the Northeast quarter of Section 23; Township 3 North; Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code 40.200 (General Provisions); 40.260.240 (Utilities); 40.320.010 (Landscaping and Screening); 40.340.010 (Parking and Loading); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.360 (Solid Waste and Recycling); 40.370.010 (Sewer Regulations); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500 (Procedures); 40.510.020 (Type II Process); 40.520.040 (Site Plan Review); 40.570.080 (Archaeological); 40.610 and 40.620 (Impact Fees); Title 15 (Fire Code) and Clark County Comprehensive Plan Policies.

Neighborhood Association/Contact:

Fairgrounds Neighborhood Association
Bridget Schwarz, President
2110 NW 179th Street
Ridgefield, WA 98642
(360) 573-5873
E-mail: bridget@bridge-i-t.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on October 16, 2008. The pre-application was determined to be contingently vested as of September 23, 2008. The fully complete application was submitted on April 10, 2009, and determined to be fully complete on April 30, 2009. Given these facts the application is vested on September 23, 2008. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on April 30, 2009. The applicant placed the application on hold to allow additional time for members of the public to comment on the proposal, and then to revise the proposed site plan in response to concerns voiced by neighbors. Therefore, the County's deadline for issuing a decision was extended by 73 days. As a result, the County Code requirement for issuing a decision within 78 days of the application being deemed fully complete was extended until September 28, 2009. The State requirement for issuing a decision within 120 calendar days lapses on November 9, 2009.

Public Notice:

Notice of application was mailed on May 7, 2009 [*Exhibit 4*]. This notice, however, listed an incorrect parcel number for the development site. Therefore, a revised notice with the correct parcel number was mailed to the applicant, Neighborhood Advisory Council of Clark County (NACCC), and property owners within 300 feet of the site on May 8, 2009 [*Exhibit 6*]. Subsequently, the revised notice was also sent to the Fairgrounds Neighborhood Association on May 28, 2009. A notice providing additional opportunity to comment was mailed to the applicant, Fairgrounds Neighborhood Association, property owners within 300 feet of the site and parties of record on June 18, 2009 [*Exhibit 27*]. The applicant revised the site plan in response to concerns voiced by neighbors. A notice on the revised proposal was mailed to the above parties on August 12, 2009 [*Exhibit 39*].

Public Comments:

A total of 37 letters and emails, plus one petition, were received from neighbors in response to public notices mailed on May 8, 2009 and June 18, 2009. Several nearby residents voiced strong opposition to the 95-foot height of the proposed water reservoir. In response to these concerns, CPU revised their proposal and reduced overall height of the water reservoir to 38 feet. No written comments objecting to height of the shorter water tank were received following the August 12, 2009 notice. This issue is, therefore, not included in the following discussion of neighborhood concerns:

1. An email was received on May 11, 2009 from Eugene W. Guinn, 2713 NE 159th Circle *[Exhibit 8]*. Mr. Guinn indicates "the (existing) tower is unsightly and another water tower will make the situation worse...a simple solution to the problem is to plant a number of fast growing trees to cover the view." He also has concerns about safety of both the existing and the proposed water reservoir in the event of an earthquake.

Staff Response:

During review of an application, staff only has authority to evaluate a proposal for compliance with applicable approval criteria and, if necessary, impose conditions to ensure compliance with said standards. The County's code does not include provisions requiring the reservoir to meet certain aesthetic standards. In addition, there are no regulations that require planting of trees or landscape materials to screen the water tower from neighboring properties. On several occasions, however, CPU has indicated a willingness to work with the neighborhood to design a plan to landscape and place trees and other vegetation to help screen the reservoirs *[Exhibits 25 and 38]*.

CPU indicates that "the reservoir structure is designed by a specialized professional structural engineer to withstand earthquake forces. This design methodology is based on the latest science concerning seismic design" *[Exhibit 38]*. Furthermore, the proposed water tank is required to obtain building permits (*See Building Safety Finding 1*) which will ensure that it is designed to meet current seismic requirements. According to Building and Safety staff, water supply is considered 'essential' in the event of a disaster. Therefore, the reservoir will be required to meet significantly higher seismic standards than other types of structures.

2. In an email dated May 18, 2009, Kevin Burnette of 2707 NE 159th Circle indicates that he has never seen two (2) water towers on the same site and suggests that CPU explore constructing the water reservoir at a different location *[Exhibit 10]*.

Staff Response:

The County's development code does not place a limit on the number of water reservoirs that may be located on a parcel. Apparently it is not uncommon for multiple facilities to be situated on the same property. CPU reports that "the

Lakeshore Reservoirs at 2401 NW 112th Street are two reservoirs on the same parcel within our service area." Although not yet constructed, a second water tank for PUD was also recently approved at the Ludlum Hill Reservoir site (PSR2008-00060).

According to CPU, moving the reservoir to another site cannot be easily accomplished. "The location of this reservoir is determined by the land elevation, which is the high ground on Mt. Vista. All other areas at or near this elevation have been developed as housing" [Exhibits 25 and 38].

3. Dan Jensen, 2726 NE 159th Circle, submitted a copy of an email (dated May 17, 2009) he sent to the CPU Board of Commissioners [Exhibit 11]. In this correspondence, Mr. Jensen raised the following concerns:
 - a. No public hearing is required for construction of the water reservoir;
 - b. Only the top 25 feet of the existing reservoir is being used due to pressure concerns when its lower 70 feet of storage is used.
 - c. Although he lives in Mt. Vista, he did not receive notice soliciting public comment on the proposal;
 - d. The limited amount of time provided to nearby residents for sending in comments after receiving the public notice;

Staff Response:

The water reservoir is a use that is allowed on the subject .91 acre parcel (See *Land Use Finding 1 below*). However, site plan review and approval is needed to ensure the project meets County development standards for such uses. By ordinance, such review is a Type II or administrative process which does not require a public hearing. Once a decision is rendered, either CPU or the neighbors who have submitted comments may appeal the decision; at which time a public hearing will then be held.

According to CPU, "the higher the elevation the higher the water pressure. The original reservoir must be at least 85% full to maintain a minimum of 40 psi pressure, which is the minimum our customers expect. The Washington State Department of Health mandates a minimum pressure of 30 psi, which requires a minimum reservoir height of 58% full. The water below these levels is considered dead storage. Pumping the lower volume is not effective either as, once this volume is pumped out, it becomes difficult to refill the reservoir during the summertime high demand. This, in turn, will also compromise the available storage and pressure for fire protection (fire hydrants)" [Exhibit 38].

The subject property is located inside the Vancouver Urban Growth Boundary. In such areas, the ordinance specifies that notice of an application be sent to

property owners within a radius of three hundred (300) feet of the development site. Mr. Jensen's property is just outside the prescribed notice area. In addition, the length of the public comment period is also established by County code. Although not required, however, CPU agreed to place the project on hold to allow neighbors an additional two (2) weeks to comment on the original proposal.

On August 3, 2009, CPU sent an email to those neighbors who had previously submitted comments on the proposal [Exhibit 38]. Attached to the email was a copy of the revised site plan and a response to issues raised by residents of the area. Then on August 12, 2009, the County sent notice of the revised proposal to the Fairgrounds Neighborhood Association, property owners within 300 feet of the site and those persons who had previously submitted written comment. This notice provided until August 27, 2009 for comments to be submitted.

4. Jerome Wolfe and Hal Coates, owners of 15705 NE 28th Court, sent an email on May 17, 2009 [Exhibit 12] in which they echoed Mr. Jensen's concerns regarding the fact that no public hearing is scheduled on this matter. In addition, they are particularly concerned about the tower's potential adverse affect on property values.

Staff Response:

As noted above, staff review is limited to an evaluation of how the proposal complies with the County's development standards. How property values of surrounding residents may be affected by this proposal is not an issue that can be reviewed under the site plan review process.

5. On May 18, 2009, an email was received from Debra Bertelson, 2723 NE 159th Circle [Exhibit 14]. In addition to echoing her neighbors' complaints about the unsightliness of the water tower and its potential impact on property values, Ms. Bertelson has concerns about the wildlife that has made their home on the subject property. She reiterated these comments in an email dated June 18, 2009 [Exhibit 29].

Staff Response:

The property upon which the water tank will be located is not situated within an area protected by the County's habitat conservation ordinance. Once construction of the reservoir is complete, CPU personnel will periodically visit the facility to maintain and inspect the facility. The completed project will not include any permanent on-site staffing. In addition, CPU has indicated "we will maintain open space as much as possible and provide additional landscaping and replace any trees removed" [Exhibits 25 and 38]. It is, therefore, anticipated that the project will have minimal impact on wildlife in the area once construction of the reservoir is completed.

6. Andrew Peterson, 2611 NE 159th Street, submitted an email with photographs of the site attached [Exhibit 20]. Mr. Peterson identified the following concerns:

- a. Existing drainage of the site is insufficient. He states that "during the rainy time of the year water seeps on to my property causing my backyard to flood."
- b. Placement of the new tower "on the edge of the hill". He contends that the hillside is already unstable.
- c. Placement of the reservoir is "going to take away much of the grass area and block access to what will be left of the grass field so many people enjoy for recreational use."

Staff Response:

This proposal is subject to the County's Stormwater and Erosion Control Ordinance which prohibits stormwater drainage from being increased or concentrated on abutting properties. As a result, a preliminary stormwater report and plan were included as part of the application submittal packet [Exhibit 1, Tab G]. These were modified when the proposal was revised [Exhibit 35]. These documents have been reviewed by staff of the Development Engineering Division. It was determined this preliminary plan, subject to certain conditions, meets ordinance criteria. Refer to Stormwater findings noted below.

As part of the application materials, CPU submitted a 'Geotechnical Site Investigation' prepared by a licensed geotechnical engineer registered in the State of Washington [Exhibit 1, Tab F]. The investigation includes subsurface borings in the vicinity of the proposed reservoir and driveway, regional geology and soil conditions, site seismology, site-specific soil type description, ground water considerations, structural fill recommendations, foundation design recommendations, excavation consideration, and seismic design considerations. This report concludes that, provided the identified recommendations are incorporated in the design, the soils and slopes are sufficiently stable for construction of the proposed water reservoir. As a result, the applicant is required to follow these recommendations (See *Geo-Hazard Finding 1 and Condition A-6*)

The subject .91 acre parcel is owned by CPU since 1976, and was purchased expressly for the purpose of constructing public water reservoirs on the site. While surrounding residents have been able to use this land as a park, the property owner has the right to develop the property for any use allowed by the zoning district. CPU has, however, indicated a willingness to preserve as much land as possible for neighborhood recreational use.

- 7. A letter from Randall Kleinhesselink was received on May 22, 2009 [Exhibit 24] which includes a petition signed by 29 nearby neighbors [Exhibit 24B]. In addition to issues identified and discussed above, Mr. Kleinhesselink asks the following questions:

- a. Why does the Mt. Vista Homeowners Association not have a say on this proposal.
- b. Why is this proposal necessary when there are no complaints about the current water supply?
- c. Do the County Commissioners know about this proposal?

Staff Response:

A State Environmental Policy Act (SEPA) checklist and a notice of Determination of Nonsignificance (DNS) were mailed to the Mt. Vista Homeowners Association by CPU on April 17, 2009. The Association was provided an opportunity to comment before this DNS became final. CPU representatives also met with several interested neighbors on June 17, 2009 at the Mt. Vista Homeowners Association clubhouse. Once the proposal was revised, the Association was also sent a copy of the amended SEPA on August 20, 2009. In addition, homeowners were mailed three (3) separate notices and given an opportunity to comment on the proposal.

The amount of storage required for a public water reservoir is mandated by state statute. The existing reservoir was constructed in 1977 in anticipation that it would be of sufficient size to provide potable water to residential development in the area for a period of 20 years. Although it has exceeded that expectation, the existing water tank does not have the standby storage capacity needed to meet state requirements. As a result, construction of a new water reservoir is required to meet the prescribed standards.

The County Commissioners may generally be aware of an application. At preliminary review, however, they refrain from any oral or written communication with those promoting or opposing a proposed development so they can remain objective should the project be appealed to them at a later date.

- 8. A memorandum, dated June 18, 2009, was received from John Marcus, Vice President of the Mt. Vista Homeowners Association *[Exhibit 34]*. Mr. Marcus indicated "there is no dispute that there will be a future need for this water resource. The question is, are there reasonable alternatives to provide this service...A pressurized low profile tank would be an acceptable alternative however, that would still take the existing park area as well as locate a settling pond on the property." He then suggested CPU consider an underground stormwater facility and also recommended a design alternative for the tank itself.

Staff Response:

CPU considered those concerns voiced by neighbors regarding construction of a 95-foot water reservoir as was originally proposed, and investigated the feasibility of constructing a lower profile tank. As a result, the site plan was revised to reflect a reservoir less than half as high as the original reservoir. In a letter to neighbors

[Exhibit 38], the applicant indicated the utility has researched the hydro-pneumatic tank suggested by Mr. Marcus and this design is not practical for operational consideration because of the cost and size of the tank.

As previously noted, staff can only review a proposal for compliance with County's development code. The ordinance does not include a requirement that stormwater facilities be installed below ground. Development Engineering has reviewed the proposed plan which calls for a stormwater detention pond, and has determined it meets preliminary review requirements (*See Stormwater Findings for discussion*).

9. In response to notices mailed on May 28, 2009 and June 18, 2009 for the original proposal, general opposition to construction of a second water tower on the site was also expressed in emails received from Luis and Debbie Astete, 2602 NE 157th Street [Exhibit 9], Linda McGlasson, 2716 NE 157th Street [Exhibit 13], Sharon Stanford, 15714 NE 28th Court [Exhibit 15], Michael Grant, 2520 NE 158th Street [Exhibit 16], Mona M. McNeil, 15704 NE 28th Court [Exhibit 17], Katherine Lowrie, no address given [Exhibit 18], Susan Galaviz, 15712 NE 28th Court [Exhibit 19], Clyde Morrison, no address given [Exhibit 21], Manual Galaviz, 15712 NE 28th Court [Exhibit 22], and E.F. Nodine, 15708 NE 28th Court [Exhibit 23], Marlin and Delores Mutschler, 2710 NE 157th Street [Exhibit 30], and Kevin Kamali of 15913 NE 26th Court [Exhibit 32].
10. One written comment was received following mailing of the August 12, 2009 notice. In an email of the same date, Ed Prentiss commented that "the new plans look great. This is a compromise that we can all live with" [Exhibit 41].

Project Overview

The .91 acre parcel is located on the south side of NE159th Street, approximately 270 feet west of its intersection of NE 29th Avenue. The site currently contains an existing water reservoir and pumping facilities.

Clark Public Utilities (CPU) provides potable water and electrical service to a large portion of the county. CPU initially proposed constructing a 0.9 million gallon public water supply reservoir on the parcel. As proposed, this tank would have been 40 feet in diameter and 95 feet in height at the center of the reservoir.

In response to concerns voiced by neighbors regarding height of the proposed water tank, the applicant revised the request and is now proposing to construct a new 0.5 million-gallon public water supply reservoir. It will be 50 feet in diameter and 38 feet high. Due to the lower profile tank, the proposal now also includes a 200 square foot addition onto the existing booster station.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Parks/Open Space	P/WL	Public water reservoir
North	Urban Low Density Residential	R1-10	Single family residential subdivision
East	Urban Low Density Residential	R1-10	Single family residential subdivision
South	Urban Low Density Residential	R1-10	Single family residential subdivision
West	Urban Low Density Residential	R1-10	Single family residential subdivision

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Permitted Use

The subject property is located within a P/WL zoning district. The proposed water reservoir constitutes a “utility substation”, as defined in CCC 40.100.070. Pursuant to CCC 40.260.240(B), “the erection, construction, reconstruction or alteration of utility

substation facilities shall be permitted in any zoning district, subject to site plan approval.”

Finding 2 – Development Standards

As previously noted, the zoning of this .91 acre parcel is P/WL. In this zone, any development must meet standards prescribed by the surrounding zoning district, which in this case is R1-10. In this zoning district, the following setbacks are applicable:

Front: 20 feet
Side: 20 feet;
Rear: 20 feet

The addition on to the booster station meets all setbacks required by the R1-10 zoning district. The minimum setbacks prescribed for this zone, however, do not apply due to height of the proposed water reservoir (*See Finding 3 below*).

Total lot coverage allowed for all structures on the site is fifty percent (50%). Based on a review of the revised preliminary site plan [*Exhibit 37, Sheet 2*], the proposal complies with this requirement.

Finding 3 – Height

Both the revised written narrative [*Exhibit 36*] and the revised site plan [*Exhibit 37, Sheet 2*] indicate the reservoir height will be 38 feet.” Although the R1-10 establishes a maximum building height of 35 feet, CCC 40.200.060 specifically exempts water towers and tanks from height limitations provided the structure is set back at least fifty (50) feet from all property lines. A review of the revised preliminary site plan reveals the reservoir will be constructed more than 50 feet from all boundaries. Therefore, there is no limitation on height of the water reservoir.

Finding 4 – Landscaping

For developments within a P/WL zoning district, CCC 40.320.010 does not prescribe landscape buffering along the perimeter of the project site. The applicant has indicated, however, they will work with the neighbors to design a landscape plan to provide visual screening of the water reservoirs. Therefore, a final landscape plan will be required (*See Condition A-2-a*). Verification that the landscape and irrigation (if any) have been installed in accordance with the approved plan will be required prior to final inspection approval by Building and Safety staff (*See Condition F-1*).

Finding 5 – Environmental Review

Clark Public Utilities, as lead State Environmental Policy Act (SEPA) review agency, issued a SEPA Determination of Non-Significance for this project on April 15, 2009 [*Exhibit 1, Tab JJ*]. Once the site plan was revised, a SEPA amendment reflecting changes to the proposal was issued on August 20, 2009 [*Exhibit 42*].

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

TRANSPORTATION:

Finding 1 – Applicability

The proposed water reservoir will not add any additional trips; therefore, Clark County's Transportation ordinance does not apply.

Conclusion (Transportation): Clark County's Transportation ordinance does not apply.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that results in 2,000 square feet or more of new impervious area within the urban area and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 2,000 square feet of new impervious surface and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with provisions of the Stormwater and Erosion Control Ordinance set forth in CCC 40.380.

The erosion control ordinance is intended to minimize potential for erosion, and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

Water quality treatment of stormwater runoff is not proposed since the new impervious surface is not considered to be pollution generating. The proposed access is considered a non-pollution generating surface for the following reasons:

- The complete project will not generate significant vehicle traffic. CPU (Clark Public Utilities) estimates average annual trips of 1 to 2 per month.
- The reservoir facility will be gated to control access.
- CPU vehicles are serviced and maintained on a regular basis, and are presumed not to present a significant fluid leak hazard.

Stormwater runoff from improvements will be conveyed to a new detention pond prior to discharge into an existing public storm system located in the NE 159th Street right-of-way. The discharge will be released at rates that meet requirements of Clark County Stormwater Control Ordinance.

Clark Public Utilities will be responsible for long-term maintenance of the on-site stormwater facilities (*See Condition A-5-a*).

Finding 3 – Site Conditions and Stormwater Issues

The property is approximately 40,000 square feet in area with slopes of 0-5% over 7% of the parcel, 5-10% over 25% of the parcel, 10-15% over 35% of the parcel 15-25% over 31% of the parcel, and 25-40% over 2% of the parcel. The site is currently in use as a public water supply reservoir and booster station facility. The majority of the site is gently sloping, but the north and east perimeters have relatively steep slopes. Existing site vegetation consists primarily of lawn and assorted deciduous and conifer trees. This project is adding approximately 6,360 square feet of impervious surface, includes gravel access area and reservoir.

National Resources Conservation Service (NRCS, formerly SCS) mapping shows the site to be underlain by Sara Loam (SIB and SID), classified by AASHTO as A-4 soils. These soils are designated as hydrologic group "D". CCC 40.380 does not list A-4 soils as suitable for infiltration. Therefore, infiltration is not proposed and quantity control is to be achieved by detention.

The project proposes to discharge detained stormwater runoff into an existing public storm system located in the NE 159th Street right-of-way. The discharge will be released at rates that meet requirements of the Clark County Stormwater Control Ordinance. In accordance with provisions of CCC 40.380.040(B)(2), all development activities that require a final stormwater control plan shall conduct an off-site analysis for water quality impacts resulting from the development activities and, shall mitigate those impacts. This project will be required to perform an off-site analysis extending a minimum of one-fourth of a mile downstream from the development (*See Condition A-3-a*).

Conclusion (Stormwater): Staff concludes that the proposed preliminary stormwater plan, subject to the conditions identified above, is feasible. Therefore, requirements of the preliminary plan review criteria are satisfied.

GEO-HAZARD:

Finding 1 – Geologic Concerns

The applicant has submitted a Geological Site Investigation prepared by Columbia West Engineering, Inc., dated April 2, 2009, stamped and signed by Lance V. Lehto, a professional engineer licensed in the State of Washington. This report provides recommendations for grading activities referenced in the preliminary plans. The applicant shall follow these recommendations (*See Condition A-6*).

Conclusion (Geo-Hazard): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the geo-hazard requirements of the Clark County Code.

BUILDING SAFETY:

Finding 1 – Building Permit

Building permits are required for the proposed construction of the water reservoir and also for any retaining walls. Plans and engineering calculations will be required (See *Condition E-1*).

IMPACT FEES:

Finding 1 – Traffic Impact Fees

Traffic impact fees are not applicable because of the negligible amount of traffic generated by this proposal.

DECISION

Based upon the proposed plan [*Exhibit 2, Sheet 2*], and the findings and conclusions discussed above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review

Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Site Plan - The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.350 and the following conditions of approval:

- a. **Archaeology** - A note shall be placed on the face of the final site plan and construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

- A-2 Final Landscape Plan** - The applicant shall submit and obtain county approval of a final landscape plan consistent with the approved preliminary landscape plan and conditions listed below (ref: CCC 40.320).
- a. The final landscape plan shall show the location, number, species and size of trees to be planted along the perimeter of the site to screen the water reservoir. *(See Land Use Finding 4)*
- A-3 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:
- a. The applicant shall perform an off-site analysis, extending a minimum of one-fourth mile downstream, for water quality impacts resulting from development activities and shall mitigate those impacts. *(See Stormwater Finding 3)*
- A-4 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- A-5 Other Documents Required** - The following documents shall be submitted with the Final Construction/Site Plan:
- a. Stormwater Maintenance Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. *(See Stormwater Finding 2)*
- A-6 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07. The final engineering plans shall provide all relevant grading information as specified in the Geotechnical Site Investigation for Tittle Reservoir Addition Vancouver, Washington prepared by Columbia West Engineering, Inc.,

dated April 2, 2009, stamped and signed by Lance V. Lehto, a professional engineer licensed in the State of Washington. (See *Geo-Hazard Finding 1*)

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 None**

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Not Applicable**

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building permits are required for construction of a water reservoir and for any retaining walls. Plans and engineering calculations will be required. (See *Building Safety Finding 1*)

F	Final Inspection Review & Approval Authority: Building
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Prior to final approval, the following conditions shall be met:

- F-1** Landscaping: Prior to final inspection approval by Building and Safety staff, the applicant shall submit a copy of the approved landscape plan with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.
(See *Land Use Finding 4*)

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1** **Site Plans and Other Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-2** **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

- G-3** **Building and Fire Safety** – Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 28, 2009. Therefore any appeal must be received in this office by 12:00 p.m. (noon) on October 12, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,166**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at::

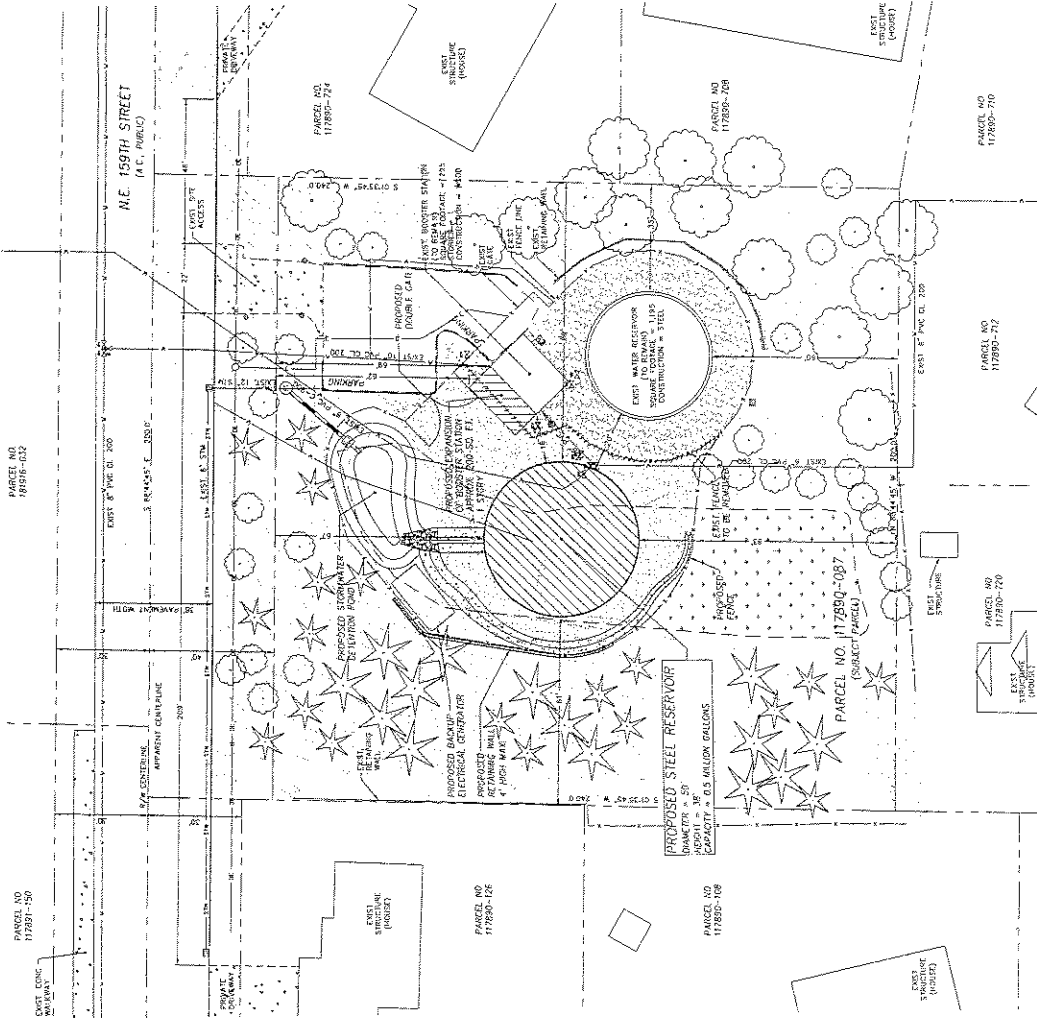
**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>



TITTLE RESERVOIR ADDITION

CLARK COUNTY PAC2008-00174



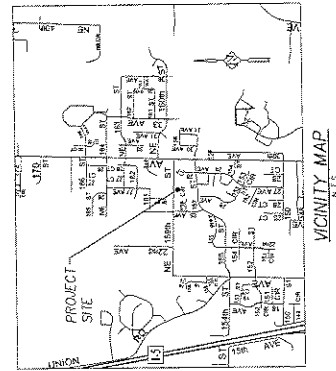
PROJECT AFFILIATES:
CLARK COUNTY UTILITIES
ATTN: PROJECT DEVELOPMENT, P.E.
PO BOX 18000
VANCOUVER, WA 98688
TEL: 360-592-8000
FAX: 360-592-8000
EMAIL: CLARKCOUNTY@CLARK-UT.COM

PROPERTY OWNER:
CLARK COUNTY UTILITIES
ATTN: PROJECT DEVELOPMENT, P.E.
PO BOX 18000
VANCOUVER, WA 98688
TEL: 360-592-8000
FAX: 360-592-8000
EMAIL: CLARKCOUNTY@CLARK-UT.COM

CONTACT PERSON:
ROBERT WOLF PETERSON, P.E.
1100 MAIN STREET, SUITE 100
VANCOUVER, WA 98688
TEL: 360-750-1141
FAX: 360-750-1141
EMAIL: RWP@HARPER-UT.COM

PROPERTY DATA:
PROJECT NO. 117890-087 (CLARK COUNTY UTILITIES)
NE QUARTER OF SECTION 23, T4N, R1E, W4M
SITE ADDRESS: 159TH STREET (APPROX.)
P.O. BOX 18000
VANCOUVER, WASHINGTON 98688
2. PARCEL AREA = 0.91 ACRES

1. SITE ZONING = P/M
2. SITE ZONING = P/M
3. SITE ZONING = P/M
4. SITE ZONING = P/M
5. SITE ZONING = P/M
6. SITE ZONING = P/M



NOTE:
TOPOGRAPHIC SURVEY AND CONTOURS
PROVIDED BY HASEGORD, INC.

FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

PRELIMINARY SITE PLAN
TITTLE RESERVOIR ADDITION
CLARK COUNTY, WASHINGTON

Harper
Hout Peterson
Rightell's Inc.



DATE	REVISIONS
7/25/09	1. INITIAL DESIGN
	2. REVISED DESIGN
	3. REVISED DESIGN
	4. REVISED DESIGN
	5. REVISED DESIGN
	6. REVISED DESIGN
	7. REVISED DESIGN
	8. REVISED DESIGN
	9. REVISED DESIGN
	10. REVISED DESIGN

SHEET NO. 2 OF 8
CPL-183